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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,870	03/09/2001	Rhoda K. Camin	05997.0015	6725
22852	7590	03/12/2007		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER PATEL, JAGDISH	
			ART UNIT	PAPER NUMBER
			3693	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/801,870	CAMIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JAGDISH PATEL	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to amendment filed 11/20/06.

#### ***Response to Amendment***

2. Claims 1, 10, 14, 19, 20, 21 and 26 have been amended.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejections.

#### ***Response to Arguments***

3. Applicant's arguments with respect to rejection of claim under 35 USC § 112 (second) have been considered have been fully considered. Although, prior issues concerning indefiniteness has been addressed by the applicant's arguments and accompanying amendment of the claims, the examiner has raised new issues concerning the indefiniteness resulting from the amendment (see 35 USC § 112 rejection below.) In particular, the claims as amended remain indefinite due to broad and vague references to limitations such as "predetermined conditions", "satisfied triggers" and "rules" and "loan information" as recited in the independent claims.

4. Applicant's arguments with respect to rejection of claims under 35 USC § 101 are not persuasive in view of the amended claims. (See explanation below.) Accordingly the examiner

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has maintained rejection of claims under 35 USC § 101 as not satisfying the requirements under the current guidelines (available at

[http://www.uspto.gov/web/offices/pac/compexam/interim\\_guide\\_subj\\_matter\\_eligibility.html](http://www.uspto.gov/web/offices/pac/compexam/interim_guide_subj_matter_eligibility.html)).

5. Rejection of claims under Katz reference has been withdrawn. However, the amended claims are rejected over newly found prior necessitated by the amendment.

### **Claim Rejections - 35 USC § 101**

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In accordance with the revised Interim Guidelines for Subject Matter Eligibility a claimed invention must satisfy the requirement that it be directed to a "practical application" which is to mean "the claimed invention physically transforms an article or physical object to a different state or thing, or ... the claimed invention otherwise produces a useful, concrete, and tangible result".

To satisfy the "practical application" requirement, the claimed invention must produce a useful, concrete and tangible result. The focus is on the result of the claim as a whole, not the individual steps or structure used to produce the result.

A useful, concrete and tangible result must be either specifically recited in the claim or flow inherently therefrom. To flow inherently therefrom, it must occur. If there is a reasonable

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exception or it is merely likely that it would occur, it does not “flow inherently therefrom” and the claim would need to be amended to specifically recite the result.

Exemplary analysis of claim 1 is provided which applies to all independent and dependent claims.

Claim 1 recites a method for processing loan information. The claim recites the steps of evaluating loan information stored in one or more “staging tables”. The intended purpose of the evaluation process is to “identify one or more triggers” that are satisfied based on “one or more predetermined conditions”. The claim further recites steps of (a) identifying one or more rules and (b) retrieving the stored loan information from the staging tables when “at least one of the one or more triggers” is satisfied. Finally, the claim recites transforming the retrieved information into “one or more outputs” based on at least the one or more rules.

It is noted that the claim fails to define the terms “loan information”, “one or more triggers” and “one or more rules” and “one or more outputs” with any specificity or “concreteness”. The step of evaluating the loan information is too broad, even when considered in view of its objective which is to identify “one or more triggers” as defined in the claim. This is, because, the terms “triggers” and “predetermined conditions” have no specified relationship to the loan information. Finally, the claim refers to “one or more outputs” without defining the output with any specificity, in the context of the loan information.

Claim 1, when viewed, as a whole is a data processing method pertaining to loan information as discussed above. However, one cannot ascertain specifically what the output of

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the data processing steps is. At best, one may interpret that the output(s) is related to the loan information.

In other words, the claim fails to produce a result, which meets requirements of the practical application as specified earlier. The claim fails to produce useful, concrete and tangible result as further explained in the following paragraphs.

For an invention to be “useful” it must satisfy the utility requirement of section 101. The USPTO’s official interpretation of the utility requirement provides that the utility of an invention has to be (i) specific, (ii) substantial and (iii) credible. MPEP § 2107 and Fisher, 421 F.3d at 76 USPQ2d at 1230 (citing the Utility Guidelines with approval for interpretation of “specific” and “substantial”). The claim fails this requirement because it is not specific about the result it produces (i.e. outputs). Outputting the result as in the amended claim(s) does not resolve the deficiency because one of the ordinary skill in the art cannot ascertain what specific output is, i.e. how it is relevant to the loan information being processed and whether the output has any usefulness in the real world. Therefore, the claim(s) fails to ascertain any utility of the invention that meets the requirements of “useful, concrete and tangible”.

This analysis also applies to independent claims 10, 14, 19, 20, 21, 22 and 26 and all dependent claims therefrom as none of these claims produce a useful and tangible result.

### **Claim Rejections - 35 USC § 112**

9. Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Note that analysis of claim 1 is provided as exemplary of all independent claims.

10. Claim 1 recites identifying one or more satisfied triggers based on the evaluation of the loan information and one or more predetermined conditions. The claim fails to specify how the satisfied triggers and the predetermined conditions relate to the loan information. Subsequently, the claim recites identifying one or more rules based on the satisfied triggers. Therefore, the claim fails to particularly point out how one or more rules and the satisfied triggers are pertinent to the loan information. In other words the term “loan information” does not alter the functionality of the manipulative steps of the claim structure since it neither enhances nor diminishes the structure and the functionality of the claim.

All independent claims contain same deficiencies. Dependent claims also inherit the deficiencies of the respective parent claims.

Claims 3-5, 11-13, 16-17, 23-25 and 28-29 recite limitations “the one or more outputs” which lack positive antecedent basis in the claim. Note that the amended claims have deleted this limitation.

### ***Claim Rejections - 35 USC § 103***

10. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al. (US 6,643,625) (Acosta) and further in view of Katz.

With regards to claim 1, Acosta discloses a method for processing loan information using a financial system, comprising the steps of:

receiving loan information from one or more source systems;

storing the loan information in one or more staging tables;

(col. 3 L 37-50, loan origination records 11, 12)

evaluating the loan information stored in the one or more staging tables;

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(see co. 4 L 7-10 mortgage origination and mortgage services)

identifying, based on the evaluation and one or more predetermined conditions, one or more satisfied triggers;

(col. 4 L 11- 15 refer to type of audits based upon different characteristics of loans such as loan originations and loan services)

identifying one or more rules, based on the satisfied triggers

(col. 4 L 15-20 unique set of questions corresponding to each type of audits)

retrieving stored loan information from at least one of the one or more staging tables to form retrieved information;

transforming the retrieved information into processed loan information based on at least one of the one or more rules; and

(col. 4 L 61- 66 audit sample subset of the loan records 17 from the full set of records 11 and 12).

outputting the processed loan information;

(col. 4 L 61- 66 transmits an appropriate file to the work station of the auditor).

Claim 2 : Acosta fails to explicitly teach, however, Katz in the field of endeavor, teaches linking one or more source systems to a loan processing system.

It would have been obvious to one of ordinary skill of the art at time of the invention to link one or more source systems because it would permit loan analysis from other loan service providers.

Claim 3: Acosta teaches storing the one or more outputs in a data repository (Figure 1 block 17).



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Claim 4: Acosta teaches, responding the stored one or more outputs.  
(inherent because the outputs are sent to the auditor see col. 4 L 61+)

Claim 5. Acosta teaches, (the method of claim 4), further comprising the step of:  
defining the one or more source systems to include loan information for one or  
more mortgages.

(see claim 2 analysis).

Claim 6. Acosta fails to explicitly teach, however, Katz in the field of endeavor, teaches  
converting the received Loan information to a predetermined format for the financial system.

(col. 6 L 36+ “data is normalized to a standard format”).

It would have been obvious to one of ordinary skill of the art at time of the invention to  
link one or more source systems because it would permit loan analysis from other loan service  
providers with disparate sources of loan data having differing formats.

Claims 7 and 8. Acosta t teaches, wherein said step of evaluating further comprises the  
step of:

defining at least one of the one or more predetermined conditions as a  
financial event, and defining the financial event as a change in status for a loan.

(col. 3 L 62+ - col. 4 L 6)

Product claims 14-21 are analyzed in accordance with the respective method claims.

Claims 9 Acosta teaches defining one or more specific financial events associated with  
the one or more staging tables. (see col. 3 L 62+ investor specific parameters)

Claim 10: As per claim 1 analysis, Acosta in view of Katz teaches all limitations of claim  
10. Note that Acosta teaches sequencing the one or more rules based on the triggers (audits) and  
transforming the retrieved information into processed loan information based on at least one of  
the one or more sequenced rules; (col. 4 L 61- 66 audit sample subset of the loan records 17  
from the full set of records 11 and 12) and outputting the processed loan information; (col. 4 L  
61- 66 transmits an appropriate file to the work station of the auditor).

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Claims 11-13 are inherent to auditing method of Acosta reference in view of disclosure at col. 5 and 6.

Apparatus claims 14-19 and 21 have been analyzed per claims 1-9.

Apparatus claims 20, 22-29 have been analyzed per claims 10-30.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Contact Information***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748.

The examiner can normally be reached on **800AM-630PM Mon-Tue and Thu.**

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jagdish N. Patel

(Primary Examiner, AU 3693)

3/7/07